

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

ANDREW L. COLBORN,

Plaintiff,

vs.

**NETFLIX, INC.; CHROME MEDIA
LLC, F/K/A SYNTHESIS FILMS, LLC;
LAURA RICCIARDI; AND MOIRA
DEMOS,**

Defendants.

Civil No.: 19-CV-484-BHL

DECLARATION OF ISABELLA SALOMÃO NASCIMENTO

I, Isabella Salomão Nascimento, under penalty of perjury and subject to 28 U.S.C. § 1746, declare as follows:

1. I am one of the attorneys for Defendant Netflix, Inc., in the above-captioned action. I have personal knowledge of the matters set forth herein. I make this declaration in support of Netflix's Motion to Restrict made pursuant to General Local Rule 79(d), and its request that the motion be denied.

2. Attached hereto as Exhibit 1 is a true and correct copy of the March 11, 2022 email correspondence from Debra Bursik, a member of Plaintiff's legal team, producing to documents responsive to Defendants' discovery requests ("the March 11 production").

3. None of the documents in the March 11 production were stamped with either a "CONFIDENTIAL" or "ATTORNEYS' EYES ONLY" designation.

4. Attached hereto as Exhibit 2 is a true and correct copy of the March 25 email correspondence from counsel for Netflix to Plaintiff's counsel requesting to meet and confer.

5. Attached hereto as Exhibit 3 is a true and correct copy of the April 4 email correspondence from counsel for Netflix to Plaintiff's counsel providing an agenda in advance of the parties' meet and confer scheduled for April 6.

6. The parties meet and conferred on April 6 and 7 regarding, in relevant part, the Plaintiff's over-designation of the emails in the March 11 production as AEO. As a result of the parties' meet-and-confer thereon, Plaintiff agreed to revisit his blanket AEO designation to the March 11 production.

7. Attached hereto as Exhibit 4 is a true and correct copy of the April 8 email correspondence from counsel for Netflix to Plaintiff's counsel, memorializing the outcome of the parties' April 6 and 7 meet-and-confers.

8. Attached hereto as Exhibit 5 is a true and correct copy of the April 12 email correspondence and related attachment from Plaintiff's counsel to counsel for Netflix, confirming counsel for Netflix's April 8 summary of the meet-and-confers.

9. Attached hereto as Exhibit 6 is a true and correct copy of the April 14 email correspondence from Debra Bursik, producing a supplemental set of documents responsive to Defendants' discovery requests ("the April 14 production").

10. None of the documents in the April 14 production were stamped with either a "CONFIDENTIAL" or "ATTORNEYS' EYES ONLY" designation.

11. Attached hereto as Exhibit 7 is a true and correct copy of the April 19 email correspondence from counsel for Netflix to Plaintiff's counsel regarding the "[d]esignation of all emails served on [March 11] as AEO."

12. Attached hereto as Exhibit 8 is a true and correct copy of the April 22 email correspondence from Plaintiff's counsel responding to counsel for Netflix's April 19 correspondence.

13. Attached hereto as Exhibit 9 is a true and correct copy of the April 25 email correspondence from counsel for Netflix to Plaintiff's counsel regarding the five emails produced by Plaintiff as part of the April 14 production which Netflix plans to file as exhibits in support of its Reply Brief.

14. Pursuant to the parties' Stipulation Governing Production and Use of Electronically Stored Information ("ESI Protocol"), the parties agreed that "'Confidential' and 'Attorneys' Eyes Only' designations, if needed or required, are to be placed on the bottom of the document[.]'" Similarly, the Court's Protective Order requires that "[d]esignation of information under this Order must be made by placing or affixing on the document or material . . . the words 'CONFIDENTIAL' or 'ATTORNEYS' EYES ONLY.'" Dkt. 189 ¶ (A). It further requires that such designations "be made prior to, or contemporaneously with, the[] production." *Id.* ¶ (A)(3).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 26, 2022

/s/ Isabella Salomão Nascimento
Isabella Salomão Nascimento